

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL RIVERA,

Plaintiff,

-against-

HOME DEPOT U.S.A., INC.,

Defendant.

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HOME DEPOT U.S.A., INC.,

Third-Party Plaintiff,

-against-

BRYAN'S HOME IMPROVEMENT CORP.,

Third-Party Defendant.

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Civil No.: 16cv7552

**JOINT PRE-TRIAL ORDER**

**I. FULL CAPTION**

See above.

**II. TRIAL COUNSEL**

For Plaintiff DANIEL RIVERA:

Steven Payne, Esq.  
**GINARTE GALLARDO**  
**GONZALEZ WINOGRAD, LLP**  
225 Broadway, 13th Floor  
New York, New York 10007  
Tel.: (212) 601-9700  
Fax: (212) 267-4185

For Defendant HOME DEPOT U.S.A., INC.:

**D'AMATO & LYNCH, LLP**  
225 Liberty Street  
New York, New York 10281

Tel.: (212) 269-0927

Fax: (212) 269-3559

For Third-Party Defendant BRYAN'S HOME IMPROVEMENT CORP.:

**CONNORS & CONNORS, P.C.**

766 Castleton Avenue

Staten Island, New York 10310

Tel.: (718) 442-1700

Fax: (718) 442-1717

**III. NUMBER OF TRIAL DAYS REQUESTED**

Eight to ten (8-10) days.

**IV. JOINTLY AGREED STIPULATIONS OR STATEMENTS OF FACT OR LAW**

The court has original jurisdiction of this case under Diversity of Citizenship 28 U.S.C.

§1332:

The plaintiff, DANIEL F. RIVERA is a resident of the State of New Jersey being domiciled at 504 East Jersey Street, 1<sup>st</sup> Floor, Newark, New Jersey.

The defendant HOME DEPOT U.S.A., INC., is a Delaware Corporation with its principal place of business located at 2455 Paces Ferry Road, Atlanta, Georgia.

Third-party defendant BRYAN'S HOME IMPROVEMENT CORP., is a New York Corporation with its principal place of business located at 2 Franka Place, Apt#9, Spring Valley, New York.

The incident giving rise to matter occurred at 58 Cooks Avenue in Yonkers, New York. The controversy exceeds the sum of \$75,000.00 exclusive if interest and costs.

**V. WITNESSES**

<b>WITNESSES FOR PLAINTIFF</b>				
<b>WITNESS</b>	<b>Method of Testimony</b>	<b>Estimated Time for Direct Examination</b>	<b>Estimated Time for Cross-Examination</b>	<b>Total Estimated Time of Testimony</b>
DANIEL F. RIVERA	In person	2.5 Hours	1 Hour	3.5 Hours
BLANCA N. RODRIGUEZ	In person	1 Hour		1 Hour
HAROLD BIALSKY D.C.,M.A.,C.R.C.,C.L.C.P.	In person	1 Hour	.5 Hours	1.5 Hours
VALERIE PENNINGTON-REYES	In person	30 Minutes		30 Minutes
JURACI DA SILVA, PH.D.,	In person	45 Mins to 1 Hour	.5 Hours	1.5 Hours
PAUL K. RATZKER, M.D.	In person	2 Hours	.5 Hours	2.5 Hours
MICHAEL K. SEIDENSTEIN, M.D.	In person	2 Hours	.5 Hours	2.5 Hour
OMOWUNMI OSINUBI, M.D.	In person	2.5 Hours	1.0 Hours	3.5 Hours
HARVEY ROSENBLUM, M.D.	In Person	.5 Hours	.25 Hours	45 Minutes
RONALD E. MISSUN, PH.D	In Person	1 Hour	.5 Hours	1.5 Hours
JORGE PALACIOS	In Person	1 Hour	.5 Hours	1.5 Hours
RECORDS WITNESS – BERGENFIELD SURGICAL CENTER	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – INTERGRATIVE NEUROTHERAPY	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – IRONBOUND MRI	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – NJ IMAGING NETWORK	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – SPECIALTY SURGERY OF SECAUCUS	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – ST. JOSEPH'S MEDICAL CENTER BILLING DEPT.	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – ST. JOSEPH'S MEDICAL CENTER RADIOLOGY DEPT.	In Person	20 Minutes		20 Minutes

RECORDS WITNESS – SURGICORE OF JERSEY CITY	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – ST. JOSEPH’S MEDICAL CENTER MEDICAL RECORDS DEPT.	In Person	20 Minutes		20 Minutes
<b>WITNESSES FOR DEFENDANT</b>				
<b>WITNESS FOR THIRD-PARTY DEFENDANT</b>				

**VI. DESIGNATION OF DEPOSITION TESTIMONY**

Not necessary as all witnesses will be testifying live.

**VII. EXHIBITS TO BE OFFERED INTO EVIDENCE**

(See attached spreadsheet)

**VIII. EXHIBITS OBJECTED TO**

(See attached binder)

**IX. MOTIONS IN LIMINE**

Copies of the following motions in limine are attached hereto:

- Plaintiff’s Motion in Limine to preclude plaintiff’s immigration status
- Third-Party Defendant’s Motion in Limine to preclude testimony or evidence relating to Quantitative Electroencephalography.

**X. REQUESTS TO CHARGE, JOINT VERDICT FORMS, JOINT PROPOSED VOIRE DIRE QUESTIONS**

(See attached forms)